

REMARKS

This application has been reviewed in light of the Office Action.

Claims 1-32 are pending.

Claims 1, 9, and 17 are in independent form and have been amended.

Rejections under 35 U.S.C. § 102(b)

In the Office Action, claims 1-5, 7-13, 5-12, 23-29, and 31-32 stand rejected pursuant to 35 U.S.C. § 102(b) as anticipated by U.S. Patent 6,321,212 (hereinafter “Lange”). It is well-established that for a reference to defeat a claim’s novelty under 35 U.S.C. §102 (i.e., anticipate the claim), it must disclose each and every limitation of the claim. Advance Display Sys. v. Kent State Univ., 212 F.3d 1272 (Fed. Cir. 2000); MPEP § 2131.

Applicants submit that Lange does not describe all of the limitations of amended claim 1. Applicant submits that Lange fails to teach all of the limitations of amended claim 1 because it does not teach at least the limitations of “identifying a plurality of attributes related to a first bond” and “calculating one or more coefficients based on a historical data set related to the first bond, wherein the data set relates to the plurality of attributes.”

Lange describes a method and system “for trading and investing in groups of demand-based adjustable-return contingent claims, and for establishing markets and exchanger for such claims.” (Lange, abstract). In particular, a portion of Lange is directed at a method for calculating an indicative return for a group of demand-based adjustable contingent claims. (Lange, col. 49, lines 1-5). When calculating the indicative return, the method described in Lange utilizes probabilities that the credit rating for a given demand-based adjustable contingent

claim will change. (Lange, col. 49, lines 8-40). Despite the use of these probabilities, Lange fails to describe how these probabilities are calculated.

In particular, Lange fails to describe “identifying a plurality of attributes related to a first bond” and “calculating a one or more coefficient based on a historical data set related to the first bond, wherein the data set relates to the plurality of attributes.” Lange describes the use of historical probabilities to calculate an indicative return, but does not describe a method by which historical probabilities are calculated. As a result, Lange fails to describe at least the steps in amended claim 1 of “identifying a plurality of attributes related to a first bond” and “calculating a one or more coefficient based on a historical data set related to the first bond, when the data set related to the plurality of attributes.” Therefore, Applicants respectfully request that the rejection of amended claim 1 under 35 U.S.C. §102(b) be withdrawn.

Amended independent claims 9 and 17 recite limitations similar to those of claim 1 and are patentable over Lange at least for the reasons discussed above with respect to the patentability of amended claim 1. For this reason, Applicants respectfully request that the rejection of claims 9 and 17 under 35 U.S.C. §102(b) be withdrawn.

Each of claims 2-5, 7-8, 10-13, 15-16, 18-21, 23-29, and 31-32 ultimately depend from one of claims 1, 9, and 17 and are patentable over Lange at least for the reasons discussed above with respect to the patentability of claims 1, 9 and 17. Thus, Applicants respectfully request that the rejection of claims 2-5, 7-8, 10-13, 15-16, 18-21, 23-29, and 31-32 U.S.C. § 102(b) be withdrawn.

Rejections under 35 U.S.C. § 103

In the Office Action, claims 6, 14, 22, and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lange in view of an Official Notice.

“To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” MPEP § 706.02(j).

As described above, Applicants submit that Lange does not teach all of the limitations of amended claims 1, 9, and 17. Given that each of claims 6, 14, 22, and 30 ultimately depend from one of claims 1, 9, and 17, Applicants submit that Lange fails to teach, suggest, or make obvious all of the limitations of amended claims 6, 14, 22, and 30.

In addition, Applicants submits that the Official Notice does not cure the deficiencies of Lange. The Official Notice is directed at the limitation of “determining a cumulative default rate for a number of time periods by summing default balances for each of the number of time periods.” While not addressing the validity of this Official Notice, Applicants submit that the Official Notice fails to teach, suggest, or make obvious the steps of “identifying a plurality of attributes related to a first bond;” and “calculating a one or more coefficient based on a historical data set related to the first bond, wherein the data set relates to the plurality of attributes.” Moreover, Applicants request documentary evidence in support of the Examiner’s Official Notice, as required by MPEP § 2144.03. Finally, Applicants respectfully request that the rejection of claims 6, 14, 22, and 30 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that the current pending claims are in condition for allowance and favorable consideration is requested.

Respectfully submitted,

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